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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HERRERA, DIEGO D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rcv. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/777,660	REIDELSTURZ ET AL.
	Examiner	Art Unit	
	Diego Herrera	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 February 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) *47-49 and 51* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-46, 50, and 52-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Examiner notes claims 1, 14, 20, 41, 45, 46, 50, and 52-55 have been amended

and claims 47-49 and 51 are cancelled without prejudice or disclaimer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 50 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated

by Boda et al. (US 20030114145).

Regarding claims 1, 50 and 52. Boda et al. teaches a cellular receiver device (fig. 1,

139, 141, Broadcast receiver and cellular transceiver), comprising:

a cellular receiver configured to enable receipt of data from a cellular network domain

(fig. 1, 139, cellular transceiver); and

a radio broadcast access unit configured to provide conditional access to a digital radio

broadcast data channel to enable receipt of said data from said data source via said

digital radio broadcast data channel, so that data can be received outside the coverage

of said cellular network domain using said broadcast channel and a cellular channel in

an alternative way. (paragraph [0014], [0016], [0019], Boda et al. teaches the ability to

call in though broadcast access and fig. 1 elements 139 and 141 show mobile unit

having the ability to communicate through a cellular transceiver and a broadcast

receiver, hence, the cited reference meets the apparatus limitations of a radio broadcast access unit)

Consider claim 2. Boda et al. discloses a receiver device according to claim 1, wherein said radio broadcast access unit comprises at least one of a ciphering function and an access function for realizing said conditional access (paragraph [0026], Boda et al. teaches verifying authorization of access communication with the broadcast media).

Consider claim 3. Boda et al. discloses a receiver device according to claim 2, wherein said at least one of said ciphering and said access function is based on security parameters (paragraph [0021], Boda et al. teaches mobile device ID and current radio channel and other information and verified to authorized communication).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boda et al. (US 20030114145), and in view of Fisherman et al. (US 20020103935). Consider claim 4. Boda et al. and Fishman et al. discloses receiver device according claim 1, wherein said radio broadcast access unit is configured to receive message objects belonging to a predetermined application identification which indicates said data (paragraph [0048]-[0052]; Fishman et al. teaches mobile device receiving information encrypted to a specific device to one or more operating characteristics).

Consider claim 5. Boda et al. and Fishman et al. discloses a receiver device according to claim 4, wherein said radio broadcast access unit is configured to extract an unencrypted mobile subscriber identity from a received message object and to compare

the unencrypted mobile subscriber identity with a mobile subscriber identity of said radio

broadcast access unit (paragraph [0030], Boda et al. teaches information obtained from

mobile subscriber).

Consider claim 6. Boda et al. and Fishman et al. discloses a receiver device according

to claim 5, wherein said radio broadcast access unit is configured to extract and decrypt

said received message object in response to a comparison result (paragraph [0035]-

[0041], [0051]-[0052]; Fishman teaches subscribers check of ID against list before

accessing information from server).

Consider claim 10. Boda et al. and Fishman et al. disclose a receiver device according

to claim 4, wherein said message object is one of a Short Message Service message

and a Multimedia Message Service message (paragraph [0049], Fishman et al. teaches

use of SMS and MMS depending on devices request).

Consider claim 15. Boda et al. and Fishman et al. disclose a receiver device according

to claim 12, further comprising:

a register configured to store said obtained security parameters (fig. 3, paragraph

[0016], [0040]-[0041], Fishman et al. teaches storage space available also information

for devices security parameters as contained in the list mentioned).

Consider claim 16. Boda et al. and Fishman et al. disclose a receiver device according to claim 12, wherein said client is configured to use initial security parameters for authentication during a connection setup (paragraph [0040]-[0041], Fishman et al. teaches subscribers check of ID against list before accessing information from server).

Consider claim 19. Boda et al. and Fishman et al. disclose a receiver device according to claim 1, wherein said radio broadcast access unit comprises a service client configured to enable access to at least one of IP services and email services via said radio broadcast data channel (fig. 2; paragraph [0014]-[0016], [0033]-[0035]).

Consider claims 20 and 53. Boda et al. and Fishman et al. disclose a server device (fig. 1, Boda et al. teaches call server 101), comprising:

a gateway configured to receive data from an external data source and to map a destination address of received data to a mobile subscriber identity (fig. 2, 250, Fishman et al. teaches gateway between mobile and server); and

an adder configured to add said mobile subscriber identity to said received data (fig. 2, 250, 274, 276, 278, paragraph [0035]-[0041], Fishman et al. discusses gateway means and function for adding mobile subscribers ID to corresponding data and transform), and to put said received data with said mobile subscriber identity to a data stream to be broadcast via a digital radio broadcast channel (fig. 2, element 250, paragraph [0035]-[0041] and [0050]-[0051], Fishman et al. teaches customization tables for clients and their corresponding information request to be transmitted); so that data can be received

outside the coverage of a cellular network domain using said broadcast channel and a
cellular channel in an alternative way.

Consider claim 22. Boda et al. and Fishman et al. disclose a server device according to
claim 20, wherein said gateway is configured to encrypt said received data using
security parameters (paragraph [0040]-[0041], Fishman et al. teaches subscribers
check of ID against list before accessing information from server).

Consider claim 24. Boda et al. and Fishman et al. disclose a server device according to
claim 23, wherein said server device is configured to assign a public user address in
response to said registration request (paragraph [0040]-[0041], Fishman et al. teaches
subscribers check of ID against list before accessing information from server).

Consider claim 25. Boda et al. and Fishman et al. disclose a server device according to
claim 24, wherein said public user address comprises one of an IP address and an
email address (paragraph [0035]-[0038]).

Consider claim 26. Boda et al. and Fishman et al. disclose a server device according to
claim 24, further comprising:
a storing unit configured to store a table linking an assigned public user address to said
assigned mobile subscriber identity (paragraph [0040]-[0041], Fishman et al. teaches
subscribers check of ID against list before accessing information from server).

Consider claim 28. Boda et al. and Fishman et al. disclose a server device according to claim 20, wherein said received data comprise an email content, wherein said adder is configured to encapsulate said received email content into a radio broadcast packet, and wherein a message identity is added to a header of said radio broadcast packet (paragraph [0035]-[0038]).

Consider claim 29. Boda et al. and Fishman et al. disclose a server device according to claim 20, wherein said received data comprise an IP packet, wherein said adder is configured to encapsulate said received IP packet into a radio broadcast packet, and wherein a message identity is added to a header of said radio broadcast packet (paragraph [0035]-[0038]).

Consider claim 31. Boda et al. and Fishman et al. disclose a server device according to claim 20, wherein said gateway is configured to reject said received data, if a predetermined maximum data size is exceeded (paragraph [0039]).

Consider claim 35. Boda et al. and Fishman et al. disclose a server device according to claim 33, wherein said security parameters comprise at least one of a mobile subscriber identity and a ciphering key (paragraph [0040]-[0041], Fishman et al. teaches subscribers check of ID against list before accessing information from server).

Consider claim 36. Boda et al. and Fishman et al. disclose a server device according to claim 33, further comprising:

a security database configured to store security parameters (fig. 3, paragraph [0016], [0040]-[0041], Fishman et al. teaches storage space available also information for devices security parameters as contained in the list mentioned).

Consider claim 38. Boda et al. and Fishman et al. disclose a server device according to claim 37, wherein authentication for connection setup to said security server means is based on said initial security parameters (paragraph [0037]-[0039], [0046]-[0048]).

Regarding claims 41 and 54. Boda et al. and Fishman et al. disclose a gateway device configured to provide a connection between a cellular network and a digital radio broadcast domain (fig. 2, 250 gateway, between the server 210, and mobile devices 274, 276, and 278, Fishman et al. teaches gateway between the mobile devices and server), nevertheless, Fishman et al. does not teach gateway being able to configure between a cellular network and a digital radio broadcast domain, however, Boda et al. does teach such limitation (fig. 1, paragraph [0016], Boda et al. teaches wireless communication, figure shows broadcast system) for the reasons to communicate information that of radio/TV broadcasting type, configured to encrypt data received from said cellular network to be forwarded to a mobile device (paragraph [0043], Fishman et al. teaches encryption methods for transmitting information to mobiles), and configured to forward said encrypted data to said digital radio broadcast domain based on a

conditional access scheme, <u>so that data can be received outside the coverage of said</u>

<u>cellular network domain using a broadcast channel and a cellular channel in an</u>

<u>alternative way.</u>

Consider claim 44. Boda et al. and Fishman et al. disclose a gateway device according

to claim 43, wherein said gateway device is configured to detect, based on a subscriber

database query, whether said mobile device is in the coverage area (paragraph [0040]-

[0041], Fishman et al. teaches subscribers check of ID against list before accessing

information from server).

Regarding claims 45 and 55. Boda et al. and Fishman et al. disclose a system,

comprising: a cellular receiver device configured to receive data from a data source (fig.

1, 141), said cellular receiving device comprising a cellular receiver configured to enable

receipt of said data from <u>said data source via</u> a cellular network domain (fig. 1, 141,

139), and a radio broadcast access unit configured to provide conditional access to a

digital radio broadcast data channel to enable receipt of said data <u>from said data source</u>

via said digital radio broadcast data channel (paragraph [0016], fig. 1, 101, 121, 125,

107);

a server device configured to provide a data service to a mobile device (fig. 1, 101, call

server), said server device comprising a gateway configured to receive data from an

said data source and for mapping a destination address of received data to a mobile

subscriber identity, and an adder configured to add said mobile subscriber identity to

said received data, and to put said received data with said mobile subscriber identity to

a data stream to be broadcast via a said digital radio broadcast channel; and

a gateway device configured to provide a connection between a cellular network and a

digital radio broadcast domain (fig. 2, 250 gateway, between the server 210, and mobile

devices 274, 276, and 278, Fishman et al. teaches gateway between the mobile devices

and server), nevertheless, Fishman et al. does not teach gateway being able to

configure between a cellular network and a digital radio broadcast domain, however,

Boda et al. does teach such limitation (fig. 1, paragraph [0016], Boda et al. teaches

wireless communication, figure shows broadcast system) for the reasons to

communicate information that of radio/TV broadcasting type, configured to encrypt data

received from said cellular network to be forwarded to a mobile device (paragraph

[0043], Fishman et al. teaches encryption methods for transmitting information to

mobiles), and configured to forward said encrypted data to said digital radio broadcast

domain based on a conditional access scheme, so that data can be received outside

the coverage of said cellular network domain using a broadcast channel and a cellular

channel in an alternative way.

Claims 47-49. (Cancelled)

Claim 51. (Cancelled)

Claims 7-9, 11-14, 17-18, 21,23, 27, 30, 32-34, 37, & 39-40 rejected under 35 U.S.C.

103(a) as being unpatentable over Boda et al., Fishman et al. (US patent publication

20020103935 A1), and Further in view of Mulham (EP 1067741 A1).

Consider claims 7-9, 11-14, 17-18, 21, 23, 27, 30, 32-34, 37, & 39-40 and as applied to

claims 1, 3, 6, & 12 above, Boda et al. and Fishman et al. discloses wherein decryption

of said received message, however, Fishman et al. does not discloses that wherein

decryption of said received message is based on latest valid security parameters

allocated to said mobile subscriber identity.

Nevertheless, Mulham teaches wherein decryption of said received message is based

on latest valid security parameters allocated to said mobile subscriber identity

(paragraphs [0071]-[0088]).

Therefore, it would have being obvious to a person of ordinary skill at the time the

invention was made to modify the invention of Boda et al. and Fishman et al. to

specifically include wherein decryption of said received message is based on latest valid

security parameters allocated to said mobile subscriber identity as taught by Mulham for

the purposes of being more secure.

Claims 42, 43, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boda et al., Fishman et al. (US patent publication 20020103935 A1), and further in view

of Risto (EP 0804012 A2).

Consider claims 42, 43, and 46, and as applied to claims 41 above, Fishman et al. does

not discloses wherein said conditional access scheme defines a predetermined offline

time during which said mobile device has not been in a coverage area of said cellular

network, and wherein data forwarding is started after expiry of said offline time.

However, Risto discloses wherein said conditional access scheme defines a

predetermined offline time during which said mobile device has not been in a coverage

area of said cellular network, and wherein data forwarding is started after expiry of said

offline time (col. 6 lines: 31-54, col. 7 line: 31--col. 8 lines: 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify the invention of Boda et al. and Fishman et al. to

specifically include wherein said conditional access scheme defines a predetermined.

offline time during which said mobile device has not been in a coverage area of said

cellular network, and wherein data forwarding is started after expiry of said offline time

as taught by Risto for the purpose of being more effective.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Diego Herrera whose telephone number is (571) 272-

0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Diego Herrera
Patent Examiner

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